

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-34 remain pending in the case.

Claims 1-34 are rejected. Claim 28 is amended herein. No new matter has been added as a result of the claim amendments.

STATEMENT OF COMMON OWNERSHIP

The instant patent application Serial No. 10/698,784 and the cited prior art reference "Secure Scalable Video Streaming for Wireless Networks" by Wee et al. were, at the time the invention of the instant patent application Serial No. 10/698,784 was made, owned by or subject to an obligation of assignment to the same assignee.

ABSTRACT

The abstract is objected to because it includes phrases "not necessary for a concise statement of the technical disclosure of the patent" (see Office Action mailed February 2, 2007, page 2, paragraph 3). The abstract is amended herein to overcome the objection.

DRAWINGS

The drawings are objected to because Figures 1A-1C do not include the designation --Prior Art--. Replacement sheets for Figures 1A-1C are submitted herewith to overcome the objection.

35 U.S.C. §101

Claims 14-22 are rejected under 35 U.S.C. §101 as it is asserted that Claims 14-22 are directed toward non-statutory subject matter. Applicants respectfully submit that Claims 14-22 are directed to patentable subject matter. Applicants respectfully direct the Examiner to MPEP 2106.01(I) which

recites in part that “a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035” (emphasis added).

Applicants respectfully direct the Examiner to independent Claim 14 that recites that an embodiment of the present invention is directed to (emphasis added):

A computer readable medium having instructions stored therein for implementing a method for ensuring integrity of data, comprising:

for a plurality of data packets comprising a plurality of first data segments and a plurality of second data segments, calculating a cryptographic checksum for said plurality of said first data segments; and
enabling said cryptographic checksum for said plurality of said first data segments to be transmitted separately from said plurality of said data packets.

Specifically, independent Claim 14 is directed to a “[a] computer readable medium having instructions stored therein” and including “calculating a cryptographic checksum” and “enabling said cryptographic checksum”. Applicants respectfully submit that such limitations define functional interrelationships between the computer program and the rest of the computer. Applicants respectfully submit that a computer-readable medium is statutory.

Furthermore, Claims 14-22 are rejected because it is asserted that “claim 14 does not necessarily transform a physical object to a different state or thing nor produce a useful, concrete and tangible result” (see Office Action

mailed February 2, 2007, page 3, paragraph 6). Applicants respectfully direct the Examiner to MPEP 2107.02(IV) which recites in part (emphasis added):

"To properly reject a claimed invention under 35 U.S.C. 101, the Office must (A) make a *prima facie* showing that the claimed invention lacks utility, and (B) provide a sufficient evidentiary basis for factual assumptions relied upon in establishing the *prima facie* showing. *In re Gaubert*, 524 F.2d 1222, 1224, 187 USPQ 664, 666 (CCPA 1975) ("Accordingly, the PTO must do more than merely question operability - it must set forth factual reasons which would lead one skilled in the art to question the objective truth of the statement of operability.")..... The *prima facie* showing must be set forth in a well-reasoned statement. Any rejection based on lack of utility should include a detailed explanation why the claimed invention has no specific and substantial credible utility. Whenever possible, the examiner should provide documentary evidence regardless of publication date (e.g., scientific or technical journals, excerpts from treatises or books, or U.S. or foreign patents) to support the factual basis for the *prima facie* showing of no specific and substantial credible utility. If documentary evidence is not available, the examiner should specifically explain the scientific basis for his or her factual conclusions.

Applicants respectfully submit that the Examiner has not satisfied the requirements outlined above. In particular, Applicants respectfully assert that the Examiner has not made a *prima facie* showing that the claimed invention lacks utility and has not provided substantial evidentiary basis relied upon in making a *prima facie* showing. Applicants submit that the statement "claim 14 does not necessarily transform a physical object to a different state or thing nor produce a useful, concrete and tangible result" (see Office Action mailed February 2, 2007, page 3, paragraph 6) is not sufficient to support a *prima facie* showing. Moreover, no evidentiary support is provided by the Examiner.

Therefore, Applicants respectfully submit that Claim 14 overcomes the rejection under 35 U.S.C. §101, as Claim 14 is directed toward patentable subject matter. Applicants respectfully submit that Claims 15-22 also

overcome the rejection under 35 U.S.C. § 101, and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §112, second paragraph

Claim 28 is rejected under 35 U.S.C. §112, second paragraph, as it is asserted that Claim 28 is indefinite. Claim 28 is amended herein to recite in part "calculating a second cryptographic checksum, wherein a second cryptographic checksum is computed for a second of said plurality of data segments, said first of said plurality of data segments, and said cryptographic checksum for said first of said plurality of data segments" (emphasis added).

Therefore, Applicants respectfully submit that the basis for rejecting Claim 28 under 35 U.S.C. § 112, second paragraph, is traversed.

103(a) Rejections - Claims 1, 2, 5-10, 12, 13, 23-30 and 32-34

The instant Office Actions states that Claims 1, 2, 5-10, 12, 13, 23-30 and 32-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over "Secure Scalable Video Streaming for Wireless Networks" by Wee et al., hereinafter referred to as the "Wee" reference, in view of U.S. Patent No. 5,790,669 by Miller et al., hereinafter referred to as the Miller reference. The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1, 2, 5-10, 12, 13, 23-30 and 32-34 are patentable over the combination of Wee and Miller, for at least the following rationale.

Applicants respectfully submit that Wee is disqualified as prior art for a rejection under 35 U.S.C. § 103(a) because the instant application and Wee were made by the same persons and subject to an obligation of

assignment to the same assignee at the time the invention of the instant patent application was made. The requisite statement of common ownership is provided above (see MPEP § 706.02(l)(2) in its entirety).

Moreover, Applicants respectfully assert that the claimed embodiments are patentable over Miller alone. Specifically, Miller alone does not teach, describe or suggest the claimed embodiment as recited in independent Claims 1, 23, 27, 29 and 32. Therefore, Applicants respectfully assert that Miller does not teach, describe or suggest the claimed embodiment as recited in independent Claims 1, 23, 27, 29 and 32, and that these claims are allowable over Miller. Applicants respectfully submit that Miller alone also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2, 5-10, 12 and 13 that depend from independent Claim 1, Claims 24-26 that depend from independent Claim 23, Claim 28 that depends from independent Claim 27, Claim 30 that depends from independent Claim 29, and Claims 33 and 34 that depend from independent Claim 32. Therefore, Applicants respectfully submit that Claims 2, 5-10, 12, 13, 24-26, 28, 30, 33 and 34 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Therefore, Applicants respectfully submit that the basis for rejecting Claims 1, 2, 5-10, 12, 13, 23-30 and 32-34 under 35 U.S.C. § 103(a) is traversed and that these claims are in condition for allowance.

103(a) Rejections - Claims 3, 4, 11, 14-22 and 31

The instant Office Actions states that Claims 3, 4, 11, 14-22 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wee in view of Miller, further in view of U.S. Patent Application Publication No. 2002/0095586 by Doyle et al., hereinafter referred to as the Doyle reference. The Applicants

have reviewed the cited references and respectfully submit that the present invention as recited in Claims 3, 4, 11, 14-22 and 31 are patentable over the combination of Wee, Miller and Doyle, for at least the following rationale.

As described above, Applicants respectfully submit that Wee is disqualified as prior art for a rejection under 35 U.S.C. § 103(a) because the instant application and Wee were made by the same persons and subject to an obligation of assignment to the same assignee at the time the invention of the instant patent application was made. The requisite statement of common ownership is provided above (see MPEP § 706.02(I)(2) in its entirety).

Moreover, Applicants respectfully assert that the claimed embodiments are patentable over the combination of Miller and Doyle. Specifically, Miller and, alone or in combination, do not teach, describe or suggest the claimed embodiment as recited in independent Claims 1, 14 and 29. Therefore, Applicants respectfully assert that the combination of Miller and Doyle does not teach, describe or suggest the claimed embodiment as recited in independent Claims 1, 14 and 29, and that these claims are allowable over the combination of Miller and Doyle.. Applicants respectfully submit that the combination of Miller and Doyle also does not teach or suggest the additional claimed features of the present invention as recited in Claims 3, 4 and 11 that depend from independent Claim 1, Claims 14-22 that depend from independent Claim 14, and Claim 31 that depends from independent Claim 29. Therefore, Applicants respectfully submit that Claims 3, 4, 11, 15-22 and 31 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Therefore, Applicants respectfully submit that the basis for rejecting Claims 3, 4, 11, 14-22 and 31 under 35 U.S.C. § 103(a) is traversed and that these claims are in condition for allowance.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-34 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: 5/30/07